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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/736,959

12/15/2003

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EXAMINER

ABDI, AMARA

ART UNIT

PAPER NUMBER

2609

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/736,959	<b>Applicant(s)</b> SONG ET AL.	
	<b>Examiner</b> Amara Abdi	<b>Art Unit</b> 2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☒ Claim(s) 14-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :06/28/2006  
12/15/2007.

## DETAILED ACTION

### *Specification*

1. The specification is objected to because of the following informalities:
  - (1) On page 2-line 20, "**difficulty**" should be changed to "**difficult**";
  - (2) On page 7, line 1, "the **us r**" should be changed to "the **user**"; and on line 12, "**an**" should be deleted between "**inputting**" and "**a**";
  - (3) On page 10, line 18, "**FIG. B**" should be changed to "**FIG 5.B**"; on line 19, the Examiner suggest inserting (Step **S111**) for clarification.

Appropriate correction is required.

### *Claim Objections*

2. Claim 16 is objected to because of the following informalities:

Claim 16, line 11, "**a horizontal**" should be changed to "**the horizontal**".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Hirano et al. (US PGPUB 2005/0221856).

(1) Regarding claim 1:

Hirano et al. disclose a mobile communication terminal comprising:

a photographic apparatus connected to the terminal (paragraph [0075], line 1-14);

an image processing unit for processing an image produced by the photographic apparatus, wherein control information is developed from the processed image (paragraph [0076], line 1-6); and

an operational controlling unit for corresponding an operational function of the terminal to the control information (paragraph [0078], line 1-8).

(2) Regarding claim 2:

Hirano et al. disclose the terminal of claim 1, wherein the image processing unit compares at least one initialization value with at least one corresponding value from the control information (paragraph [0020], line 3-8; and paragraph [0109], line 5-15), (the examiner interpreted the comparing of the initialization value with one of corresponding value from the control information is the same concept as comparing the newly photographed image with immediately preceding photographed image).

(3) Regarding claim 3:

Hirano et al. disclose the terminal of claim 2, wherein the initialization value is set by a user (paragraph [0023], line 1-6), (the examiner interpreted that the setting of the

initialization value by the user is the same concept as the setting of the dictionary categories by the user).

(4) Regarding claim 4:

Hirano et al. disclose the terminal of claim 2, wherein the image processing unit detects a first difference between the at least one initialization value and the at least one corresponding value (paragraph [0109], line 5-15), (the examiner interpreted the detecting of difference of brightness between photographs is the same concept as the detecting of the difference between the initialization value and its corresponding value).

(5) Regarding claim 5:

The terminal of claim 4, wherein the control information comprises the first difference between the at least one initialization value and the at least one corresponding value processed from the image (paragraph [0030], line 3-7)

(6) Regarding claim 6:

Hirano et al. disclose the terminal of claim 5, wherein a user sets a first operational function of the terminal to correspond to the first difference (paragraph [0032], line 1-5), (the examiner interpreted that the setting of the operational function is the same concept as the setting of dictionary categories).

5. Claims 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Rowe et al. (US PG PUB 2003/0063778).

(1) Regarding claim 10:

Rowe et al. disclose a method for operating a mobile communication terminal with an integrated photographic apparatus (paragraph [0025], line 1-8), the method comprising:

producing a first image from a first object with the photographic apparatus (paragraph [0023], line 8-9; and paragraph [0062], line 4-5);

detecting a diagnostic element within the first image (paragraph [0051], line 1-5), (the diagnostic element is interpreted as a feature points which is a face);

deriving at least a first value from the diagnostic element (paragraph [0052], line 1-3), (the first value is interpreted as the morphing function);

deriving at least a first comprehensive value from the first value (paragraph [0051], line 1-5), (the first comprehensive value is interpreted as part of a feature points which is interpreted as eyes);

determining a first difference between the first comprehensive value and a corresponding comprehensive initialization value (paragraph [0052], line 7-10) derived from at least one initialization value (paragraph [0053], line 6-9); and

assigning a first operational function of the mobile communication terminal to the first difference (paragraph [0054], line 3-11).

(2) Regarding claim 11:

Rowe et al. disclose the method comprising:

Art Unit: 2609

producing a second image from the first object with the photographic apparatus (paragraph [0023], line 8-9; and paragraph [0062], line 4-5), (the examiner interpreted the producing of a second image as the producing of the first image or just a regular image).

detecting a diagnostic element within the second image (paragraph [0051], line 1-5); and

deriving the at least one initialization value from the diagnostic element (paragraph [0052], line 1-3), (the initialization value is interpreted as a first value, which in interpreted to be as just a number)

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirano et al. in view of Gusler et al. (US PG PUB 2003/0100261).

(1) Regarding claim 7:

Hirano et al. disclose all the subject matter as described in claim 1 above.

Furthermore, Hirano et al. disclose the operating of the mobile telephone by the control information (paragraph [0091], line 1-5), (the examiner interpreted that the keyword or text has the same function as the control information).



However, Hirano et al. does not disclose setting an operational function of the mobile communication terminal to correspond to the control function as recited in claim 7.

Gusler et al. teaches an apparatus and method for delayed answering of mobile telephone, where the operational function of the mobile communication is set (paragraph [0042], line 1-3) to correspond to the control function (paragraph [0043], line 1-3).

One skilled in the art would have clearly recognized the setting of the operational function of the mobile communication (paragraph [0042], line 1-8) to correspond to the control function (paragraph [0043], line 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Gusler et al., where setting the operational function, in the system of Kawasaki et al., because such feature provides brief delay between answering of the call and actual conversation by the called party. That is, the call may be answered, but the attention of the called party is not required until the elapse of a particular delay period. This delay period allows the called party to gracefully discontinue current involvement that is requiring the attention of the called party so that the called party's attention can then be provided to the calling party (paragraph [0009], line 4-12).

(2) Regarding claim 8:

Hirano et al. further disclose the method, where processing the image comprises: extracting a first value from the processed image (paragraph [0081], line

1-3), (the examiner interpreted the extracting of the character string as the same as the extracting of the first value);

comparing the first value to an initialization value (paragraph [0020], line 3-8), (the examiner interpreted the comparing of the initialization value with one of corresponding value from the control information is the same concept as comparing the newly photographed image with immediately preceding photographed image).

determining a first difference between the first value and the initialization value (paragraph [0109], line 5-15), (the examiner interpreted the detecting of difference of brightness between photographs is the same concept as the detecting of the difference between the initialization value and its corresponding value);

developing first control information derived from the first difference (paragraph [0030], line 3-7); and

generating a control information signal based on the first control information (paragraph [0042], line 5-8), (the examiner interpreted the map data as the control information signal and the first control information as positional information).

(3) Regarding claim 9:

Hirano et al. further disclose the method comprising:

photographing an image (paragraph [0075], line 1-14);

extracting at least one value from the image (paragraph [0081], line

1-3), (the examiner interpreted the extracting of the character string as the same as the extracting of one value); and

setting the at least one value as the initialization value (paragraph [0023], line 1-6), (the examiner interpreted that the user sets the dictionary categories which is interpreted as the setting of at least one value as the initialization value).

8. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al. in view of Hirano et al. (US 2005/0221856).

(1) Regarding claim 12:

Rowe et al. disclose all the subject matter as described in claims 10 and 11 above.

However, Rowe et al. does not disclose the applying of one threshold value to the comprehensive initialization value as recited in claim 12.

Hirano et al. teaches a cellular terminal image processing system, where applying a threshold value to the image to compare the difference between the new image and the preceding image with the value of the threshold (paragraph [0020], line 3-8), (the examiner interpreted that the comprehensive initialization value is part of the image).

One skilled in the art would have clearly recognized the applying of the threshold value to the comprehensive initialization value (paragraph [0030], line 3-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Hirano et al., where applying the threshold value to the image, in the system of Rowe et al., because such feature the user can obtain results for only images the user want to display, and consequently an effect of reducing the data

sending volume and the processing volume in the server can be obtained (paragraph [0110], line 13-17).

(2) Regarding claim 13:

Rowe et al. further disclose the method, where the diagnostic element (paragraph [0051], line 3), (the diagnostic element is interpreted as a feature points) comprises:

a preliminary diagnostic element comprising a face featured on a head of an individual (paragraph [0040], line 5); and

a secondary diagnostic element comprising a pair of eyes featured on the face of the individual (paragraph [0040], line 6).

#### ***Allowable Subject Matter***

9. Claims 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not teach or suggest the attributing of the first value to a first midpoint between the eyes; and attributing of the second value between a pair of shoulders.

**Conclusion**

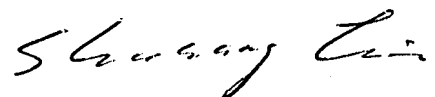
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kang et al. disclose (US 6,611,613) disclose an apparatus and method for detecting speaking person's eyes and face.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amara Abdi whose telephone number is (571) 270-1670. The examiner can normally be reached on Monday through Friday 7:30 Am to 5:00 PM E.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on (571) 272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amara Abdi  
05/01/2007.



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SUPERVISORY PATENT EXAMINER